

Order

Michigan Supreme Court
Lansing, Michigan

October 19, 2011

Robert P. Young, Jr.,
Chief Justice

142936

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

GALE BOERTMANN,
Plaintiff-Appellee,

v

SC: 142936
COA: 293835
Macomb CC: 2008-003332-NF

CINCINNATI INSURANCE COMPANY,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the March 8, 2011 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall address whether a no-fault insured who sustains psychological injury producing physical symptoms as a result of witnessing the fatal injury of a family member in an automobile accident while not an occupant of the vehicle involved is entitled under MCL 500.3105(1) to recover benefits for accidental bodily injury arising out of the ownership, operation, maintenance or use of a motor vehicle as a motor vehicle.

The Michigan Association for Justice, the Michigan Defense Trial Counsel, Inc., the Commissioner of the Office of Financial and Insurance Regulation, and the Negligence Law Section of the State Bar of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 19, 2011

Corbin R. Davis

Clerk